REMARKS

In response to the action of April 13, 2006, applicants asks that all claims be allowed in view of the amendment to the claims and the following remarks. This amendment is being filed concurrently with a Request for Continued Examination.

Claims 1 and 26, 51 and 54-83 are currently pending, of which claims 1, 26, 51 and 83 are independent. Claims 1, 26 and 51 have been amended, and claim 83 has been added. Support for these amendments and the new claim may be found in the application at, for example, page 13, line 3 to page 14, line 5. No new matter has been introduced.

Initially, as an administrative matter, applicant notes that an initialed copy of the Form PTO-1449 filed on June 21, 2006 has not yet been received. It is therefore respectfully requested that the Examiner consider the references and return a copy of the initialed Form PTO-1449 to applicant. For the Examiner's convenience, a courtesy copy of the Form PTO-1449 filed on June 21, 2006 is provided.

Claims 1, 26, 51, 54-60 and 62-82 have been rejected as being anticipated by Li (U.S. Patent No. 6,219,793). Applicant requests reconsideration and withdrawal of the rejection because Li does not describe or suggest a server that is configured to transmit information that read biological information and reference biological information have matched to a final end of transaction configured to start a transaction with the client conditioned upon receipt of the information that the read biological information and the reference biological information have matched, as required by each of the amended independent claims 1, 26 and 51, as described more fully below.

Independent claim 1, as amended, is directed to a system for identifying a client. The system includes a server and a portable communication device. The portable communication device includes, inter alia, a sensor for reading biological information of the client and a transmitting circuit for transmitting information that read biological information and stored biological information have matched to a server. The server is configured to transmit the information that the read biological information and the stored biological information have matched to a final end of transaction configured to start a transaction with the client conditioned

upon receipt of the information that the read biological information and the stored biological information have matched.

By contrast, Li describes a system and method for identifying an individual using biological information of the client provided by a fingerprint capturing device 101 that is connected to a mobile telephone 102. More particularly, Li discloses using a fingerprint capturing device ("FCPD") 101 to identify an individual using a portable communication device, where the fingerprint capturing device preferably is incorporated within a mobile telephone 102. See Li at col. 6, lines 54-66. The fingerprint capturing device captures a user's fingerprint information and generates a token based on the captured fingerprint information. See Li at col. 7, lines 40-46. Li's fingerprint capturing device also receives a fingerprint-based token from a central authentication system (CAS) 106 for comparison with the generated token as part of the identification process. See Li at col. 7, lines 52-55. In Li's system, the mobile telephone 102 wirelessly communicates with the mobile switching center (MSC) 103 of the wireless carrier 104, which, in turn, communicates with the central authentication system (CAS) 106 over the PSTN or the Internet 105. See Li at FIG. 1 and col. 7, lines 6-23.

Notably, Li does not describe or suggest a system that receives, from the central authentication system, the mobile switching center or any other system, information that the fingerprint-based token and the generated token have matched, where the receiving system is configured to start a transaction with the user of the mobile telephone conditioned upon receipt of the information that the fingerprint-based token and the generated token have matched. As such, Li does not describe or suggest a mobile telephone that transmits information that fingerprint-based token and the generated token to a server, which is configured to transmit the information that the fingerprint-based token and the generated token have matched to a final end of transaction configured to start a transaction with the user of the mobile telephone conditioned upon receipt of the information that fingerprint-based token and the generated token have matched.

Accordingly, Li does not describe or suggest a portable communication device that includes a transmitting circuit for transmitting information that read biological information and stored biological information have matched to a server, where the server is configured to

transmit the information to a final end of transaction configured to start a transaction with the client conditioned upon receipt of the information, as recited in claim 1.

Therefore, for at least these reasons, applicant respectfully requests reconsideration and withdrawal of the rejection of claim 1 and its dependent claims 54-60 and 62-65.

Amended independent claim 26 is directed to a method for identifying a client. The method includes, inter alia, checking the read biological information with the stored biological information by a checking circuit in the portable communication device. The method also includes transmitting information that the read biological information and the stored biological information have matched from the portable communication device to a server, where the server is configured to transmit the information that the read biological information and the stored biological information have matched to a final end of transaction configured to start a transaction with the client conditioned upon receipt of the information that the read biological information and the stored biological information have matched.

As described above with respect to claim 1, Li does not describe or suggest transmitting information that read biological information and stored biological information have matched from a portable communication device to a server, where the server is configured to transmit the information to a final end of transaction configured to start a transaction with the client conditioned upon receipt of the information, as recited by claim 26. Accordingly, for at least these reasons, applicant respectfully requests reconsideration and withdrawal of the rejection of claim 26 and its dependent claims 66-77.

Similarly to claim 26, claim 51, as amended, recites a server that is configured to transmit information that read biological information and reference biological information have matched to a final end of transaction configured to start a transaction with the client conditioned upon receipt of the information that the read biological information and the reference biological information have matched. Accordingly, for at least the reasons described above with respect to claim 1, applicant respectfully requests reconsideration and withdrawal of the rejection of claim 51 and its dependent claims 78-82.

Claim 61 has been rejected as being unpatentable over Li in view of Osborn (U.S. Patent No. 6,026,293). Osborn, which is cited in the action for disclosing storing programs in flash memory on cellular telephones, does not remedy the failure of Li to describe or suggest the

subject matter of independent claim 1, from which claim 61 depends. Accordingly, for at least the reasons noted above with respect to the anticipation rejection of independent claim 1, applicant requests reconsideration and withdrawal of the rejection of claim 61.

New independent claim 83 recites a system for identifying a client that includes, <u>inter alia</u>, a server and a final end of transaction. The system also includes a transmitting means for transmitting information that read biological information and reference biological information have matched to a server in a case where the checking has matched; a further transmitting means for transmitting the information that read biological information and reference biological information have matched from the server to the final end of transaction with the client; and a transaction starting means for starting a transaction between the client and the final end of transaction after the final end of transaction has received the information. For at least the reasons noted above with respect to claim 1, applicant respectfully submits that claim 83 is allowable.

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant submits that all claims are in condition for allowance.

Pursuant to 37 CFR §1.136, applicant hereby petitions that the period for response to the action dated April 13, 2006, be extended for two months to and including September 13, 2006.

Applicant : Shunpei Yamazaki et al.   Attorney's Docket No.: 12732-032001 / US4876
Serial No. : 09/842,219
Filed   : April 26, 2001
Page   : 13 of 13

The fee in the amount of $1240 in payment for the Request for Continued Examination fee ($790) and the Petition for Extension of Time fee ($450) is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to Deposit Account No. 06-1050

Respectfully submitted,

Date: September 11, 2006

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